

JEFFREY ADDICOTT DEPOSITION

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1	P-R-O-C-E-E-D-I-N-G-S	1 A. What portions of it? Well, the report
2	(Defendants' Deposition Exhibit Number	2 was given to me as a draft, and I made
3	238 was premarked for identification.)	3 corrections on the draft. Of course, looking at
4	WHEREUPON --	4 it right now, I can't really recall exactly where
5	JEFFREY ADDICOTT,	5 the corrections were. So that's my answer.
6	a Witness called for examination, having first	6 Q. The draft that was provided to you,
7	been duly sworn, was examined and testified as	7 who provided it to you?
8	follows:	8 A. It was provided by Rachel Weiser, I
9	EXAMINATION	9 think is her last name.
10	BY MR. WISE:	10 Q. And what office does she work with?
11	Q. Good morning.	11 A. I'm not really sure.
12	A. Good morning.	12 Q. Are you familiar with a person named
13	Q. Can you state your name for the	13 Nitsana Darshan-Leitner?
14	record, please?	14 A. I have not met her, but I've seen some
15	A. Jeffrey Frank Addicott.	15 e-mails with her name on it, yeah.
16	Q. And, Professor Addicott, what is your	16 MR. WISE: Can we mark this as 239.
17	home address?	17 (Defendants' Deposition Exhibit Number
18	A. Currently I'm at [REDACTED]	18 239 was marked for identification.)
19	[REDACTED]	19 BY MR. WISE:
20	Q. And your Social Security Number?	20 Q. Professor, that's Exhibit 239.
21	A. [REDACTED]	21 A. Okay. I see it.
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1	Q. I'm going to show you what has been	1 Q. 239 is an e-mail from Ms.
2	marked as Defendants' Deposition 238. Do you	2 Darshan-Leitner to you, correct?
3	recognize that document?	3 A. Yes.
4	A. I do.	4 Q. And the e-mail address,
5	Q. And what is it?	5 Jaddicott@stmarytx.edu, that is your St. Mary's
6	A. This is a copy of my expert opinion	6 University Law School e-mail address, correct?
7	report that's dated 22 March, 2013.	7 A. Yes, it is.
8	Q. On Page 27 of the document, is that	8 Q. Looking at Exhibit 239, was that your
9	your signature?	9 first contact with Ms. Darshan-Leitner?
10	A. It is. It is my signature.	10 A. I can't really recall.
11	Q. And you signed this on March 22nd,	11 Q. What do you recall about your first
12	2013?	12 contact with her?
13	A. Yes, I did.	13 A. Well, I was contacted by several
14	Q. And it appears that you had the	14 individuals, and they asked me to look at a draft
15	original notarized; is that right?	15 and sent me that draft to see what I thought
16	A. Yes.	16 about the draft, and that was my first contact.
17	Q. Declaring under penalty of perjury	17 But I don't, you know, exactly remember. I look
18	that the foregoing is true and correct?	18 at the dates here, March, it appears to be
19	A. Absolutely.	19 approximately the time that they contacted me.
20	Q. Let me start by asking you what	20 Q. You said a few people contacted you?
21	portions of this report did you personally write?	21 A. I think Rachel contacted me and this

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<p>1 other individual contacted me. I've never met 2 either of them in person, so I can't put a face 3 to a name.</p> <p>4 Q. And when they contacted you initially, 5 was it by telephone or was it by e-mail?</p> <p>6 A. Telephone.</p> <p>7 Q. Do you know how they came to know 8 about you?</p> <p>9 A. I do not know. I would assume, and 10 this is just an assumption, that they'd heard 11 about the Center For Terrorism Law, where I'm the 12 director and the founder. We're an 13 internationally recognized institute at the law 14 school, so I assume that they probably came 15 across my name in media reports or something of 16 that nature.</p> <p>17 Q. The substance of the first phone call, 18 what do you remember about what they asked you to 19 do?</p> <p>20 A. Well, I mean, the main point was to: 21 Would I be willing to look over a draft or to</p>	<p>1 Q. Looking at 239, the e-mail, you'll see 2 on the bottom of that two attachments.</p> <p>3 A. Right.</p> <p>4 MR. WISE: So let me ask the court 5 reporter to mark this document as Exhibit 240. 6 (Defendants' Deposition Exhibit Number 7 240 was marked for identification.)</p> <p>8 MR. WISE: And this as 241, and I will 9 show them to you together.</p> <p>10 (Defendants' Deposition Exhibit Number 11 241 was marked for identification.)</p> <p>12 BY MR. WISE:</p> <p>13 Q. Professor, looking at Exhibit 240, do 14 you recognize that as the Word document attached 15 to Ms. Darshan-Leitner's March 21 e-mail titled 16 Expert Report - Americans Killed.doc?</p> <p>17 A. I believe that's correct.</p> <p>18 Q. And do you recognize 241 as the Word 19 document titled Expert Report PA Sponsorship of 20 Terrorism.doc?</p> <p>21 A. Yes, I believe that's correct as well.</p>
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<p>1 write an expert opinion piece on the subject. 2 And as I recall, they had a rather short time 3 line, and I said that I would be willing to do 4 so.</p> <p>5 Q. How long after that phone call did you 6 receive the draft that they had referenced?</p> <p>7 A. Again, if you looked at my CV, you can 8 see that I do about a hundred -- well, between 50 9 and a hundred media interviews each month. I do 10 like five to ten speeches each month. I'm a 11 full-time law professor, so a lot of activity 12 going on. So I really don't recall, but it was a 13 short period. Perhaps days, but I can't recall.</p> <p>14 Q. When they said that they wanted to 15 know whether you would be willing to read a draft 16 or write a draft about "the subject," what was 17 "the subject" as they identified it to you?</p> <p>18 A. Well, it was concerning the issue of 19 the Second Intifada and the role that the PLO and 20 Yasser Arafat and the PA had played in the 21 violence associated with that event in history.</p>	<p>1 Q. The two Word documents, Exhibit 240 2 and 241, you did not write these drafts, correct?</p> <p>3 A. No, I didn't pen these drafts; that's 4 correct.</p> <p>5 Q. Those were written by someone 6 presumably associated with Ms. Darshan-Leitner, 7 correct?</p> <p>8 A. I do not know, but I know that she 9 sent me those drafts and asked me to look at 10 them, to research them, and I did so.</p> <p>11 Q. Do you know who did pen them?</p> <p>12 A. I have no idea.</p> <p>13 Q. Did you ask her who wrote them?</p> <p>14 A. No.</p> <p>15 Q. Do you have any reason to believe that 16 you received 240 and 241 prior to the e-mail that 17 is marked as 239?</p> <p>18 A. Well, again, I don't think so, but I 19 don't know. I see the name on the e-mail. It 20 looks vaguely familiar, and I'm assuming that 21 that e-mail -- that these two documents as</p>

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<p>1 attachments are the two documents that reflect 2 that they are attached in the e-mail.</p> <p>3 Q. When you say that you looked at the 4 drafts and researched them, what did you do to 5 research them?</p> <p>6 A. Well, the first thing I did, of 7 course, is looked at the footnotes, and I've got 8 that here. I went through each footnote, 9 reproduced a hard copy to look at the footnotes, 10 read the paper. I did make some changes to the 11 draft, and -- so that's what I did, yeah.</p> <p>12 Q. When you made changes to the draft, 13 did you do it in pen and ink, or did you do it on 14 the computer?</p> <p>15 A. That's a good question. I do not 16 recall whether I did it on the paper and scanned 17 it and sent it back, or whether I typed it and 18 sent it back. I don't recall.</p> <p>19 Q. And then tell me how the process 20 worked after you sent your edits back to them, 21 what was the next step?</p>	<p>1 professional opinion.</p> <p>2 Q. The materials in the footnotes, you 3 said you compiled those?</p> <p>4 A. Yeah. Well, I -- yeah, I researched 5 them. I mean, I printed them out, looked at 6 them, checked to make sure that they're accurate. 7 Yeah.</p> <p>8 Q. Did Ms. Darshan-Leitner send you any 9 of the source materials that were cited in the 10 footnotes?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Do you recall whether there were any 13 materials that you were unable to locate?</p> <p>14 A. Well, I think there was one footnote 15 that I was unable to recall, yeah, one that I was 16 not able to locate. I think that would be 17 Footnote Number 1, which was a YouTube video.</p> <p>18 Q. And so what did you do when you 19 couldn't locate Footnote 1?</p> <p>20 A. What do you mean what did I do?</p> <p>21 Q. Did you strike that citation from the</p>
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<p>1 A. Well, I don't have the e-mails in 2 front of me, obviously, but I would assume that 3 my changes were incorporated into the draft, and 4 it was sent back to me to look at again, and 5 that's what occurred.</p> <p>6 Q. Your report -- well, before you signed 7 it on the 22nd of March, what did you do to 8 review the document to make sure that the changes 9 that you had made had been incorporated?</p> <p>10 A. I read the document.</p> <p>11 Q. And do you recall whether you read it 12 and compared side-to-side the edits that you had 13 sent?</p> <p>14 A. I believe I did because I'm not going 15 to sign something unless I adopt it as my 16 professional opinion, so I'm pretty meticulous 17 about what I sign, so yes.</p> <p>18 It would be my habit to do so. Again, 19 I've written over 60 periodicals. I do a lot of 20 writing all the time. But I do not sign anything 21 unless I can affirm that it reflects my</p>	<p>1 report?</p> <p>2 A. No, because it was consistent with 3 other, you know, videos that I'd seen, so I 4 couldn't locate that precise one, but I did not 5 strike that one footnote.</p> <p>6 Q. What were the other videos that you 7 had seen that were consistent with that YouTube 8 video?</p> <p>9 A. Well, they're listed in the footnotes.</p> <p>10 I mean I can read them through with you if you 11 want.</p> <p>12 Q. Other footnotes in the report, you're 13 saying, are consistent with Footnote Number 1?</p> <p>14 A. Well, not just -- yeah, I mean there's 15 a mosaic that fits together. So that one 16 footnote, though, I couldn't locate the YouTube 17 video. I did not view that YouTube video.</p> <p>18 Q. And that's the only source that you 19 did not view before you signed your report?</p> <p>20 A. That's the only source that I did not, 21 could not obtain, that I recall. Let me just</p>

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1 A. I've heard the name. I'm trying to 2 associate it.		1 A. I'd have to look at the draft again, 2 but I think I'm recalling that I either reworded 3 it or added that sentence. Easy to solve if we 4 look at the draft.
3 Q. Where do you think you heard it?		5 Q. So let's take a look at 241.
4 A. Probably in the context of this issue 5 somewhere.		6 A. Yeah, it looks like I -- again, 7 obviously it would fit somewhere before the 8 Arafat launch, but, I mean, I recall that 9 sentence because, you know, I'm looking at both 10 sides of the issue from a scholarly perspective.
6 Q. By "this issue," what do you mean?		11 There's arguments on both sides about what 12 sparked, you know, the uprising, so that is one 13 sentence that sticks out in my mind.
7 A. The draft.		14 Q. Any other sentences that you recall 15 adding?
8 Q. Were you ever told that Avi Leitner 9 was the person who wrote the draft that you 10 received?		16 A. That would be a substantive issue 17 because I didn't agree with the draft, you know, 18 putting the issue on one side. I felt, from my 19 scholarship, that there's two sides to it. There 20 were other changes. I just don't recall what 21 they were.
11 A. No. I was never told who drafted it. 12 I have no idea who drafted it.		
13 Q. Looking at 242, which is your invoice, 14 I take it that is your signature at the bottom?		
15 A. Yes.		
16 Q. And is there a stamp that's been 17 affixed to it next to your signature?		
18 A. Yes.		
19 Q. And who affixed that stamp?		
20 A. I did.		
21 Q. That is a stamp, I take it, you had		
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1 created for the Center?		1 Q. So your view was that the initial 2 draft was too one-sided?
2 A. Yes, one of our stamps.		3 A. Well, that particular paragraph.
3 Q. I think you said before that as you 4 sit here today, you can't tell us exactly which 5 portions of this document, and by "this", I mean 6 Exhibit 238, you edited and what was sent to you, 7 correct?		4 Q. And so you added that sentence to even 5 it out?
8 A. I know one portion I did edit.		6 A. I recall adding that sentence. I 7 obviously made other changes to the structure of 8 various sentences and grammar and things like 9 that. That's just the one that sticks out in my 10 mind.
9 Q. Okay. Which portion is that?		11 Q. Well, let's turn to the substance of 12 the report, and maybe we can identify other 13 areas.
10 A. That would be -- I've got my copy; now 11 I'm trying to identify the page on your copy so 12 we can be on the same copy. Give me a second 13 here.		14 On Page 11 there is a paragraph with 15 the header "Opinion," correct?
14 On Page 13, four lines down from the 15 top, I inserted that sentence where it says, 16 "Nevertheless, even if one accepts the view that 17 the 'spark' was not orchestrated, it is clear 18 that Arafat utilized the incident as an excuse to 19 orchestrate his planned al-Aqsa Intifada."		16 A. Yes.
20 Q. So that sentence was not in the draft 21 that was sent to you on March 21st?		17 Q. The document that you are looking at, 18 is that a document you brought with you?
		19 A. Yes, this is a copy of the one that I 20 submitted. It appears to be the same one that 21 you have shown me. I've got this one obviously

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<p>1 Q. But you can't cite to me a single 2 scholarly source where another academic has said 3 the Palestinian Authority is part of radical 4 Islam, right?</p> <p>5 A. I could, but I can't do it right at 6 this second.</p> <p>7 Q. What would you need to do to be able 8 to do it right at this second?</p> <p>9 A. Well, it wouldn't be at this second. 10 I'd have to go back and research the issue and 11 compile them. You've got a lot of literature 12 that talks about the connection of the PA. 13 You've got -- as I've got in my white paper, 14 we've got seized documents, a lot that the 15 Israelis seized that show a connection between 16 those two links. You've got congressional 17 resolutions that would make certain findings of 18 fact that I've put out in my white paper. You've 19 got media reports that cover the topic by a 20 variety of sources.</p> <p>21 Q. So you're referring to the sources</p>	<p>1 Q. Professor Addicott, are you saying 2 that there are bases for your opinion that you 3 have omitted from your report or your rebuttal 4 report that support your conclusion?</p> <p>5 MR. YALOWITZ: Object to the form. 6 Objection.</p> <p>7 A. Well, I would say that, you know, as a 8 scholar, I look at a lot of different sources 9 and, again, I plug that information, whether it 10 comes from -- I've just got a selected, you know, 11 group of sources in these reports. If I had the 12 time, I could produce a greater volume of 13 material with obviously many, many more sources, 14 but I was not asked to put every source that is 15 out there in this report. That would encompass a 16 lot of time.</p> <p>17 So I'm satisfied that the sources that 18 I have developed are enough to convince the 19 reasonable person that these facts are correct 20 and my conclusions are correct.</p> <p>21 Q. Let's turn to your initial report.</p>
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<p>1 that are cited either in this initial report or 2 in your rebuttal report, correct?</p> <p>3 A. Well, some of the sources. There's 4 many, many more. If you're going to research 5 that particular issue, then I imagine you could 6 write hundreds of pages on the topic.</p> <p>7 Q. Are their other sources of scholarship 8 or evidence that you are aware of that you 9 omitted from either this report or your rebuttal 10 report?</p> <p>11 A. Am I aware of other sources that I 12 omitted?</p> <p>13 Q. That you omitted?</p> <p>14 A. There are hundreds of other sources 15 that I've not put in the report.</p> <p>16 Q. You've personally reviewed these 17 sources?</p> <p>18 A. It's pretty much common knowledge.</p> <p>19 Q. You personally reviewed these sources?</p> <p>20 A. Well, I haven't read every word in 21 every source that's out there, no. No one has.</p>	<p>1 First of all, you did not compile the sources for 2 this initial report, right?</p> <p>3 A. For the initial report, I didn't pen 4 the initial report, but everything in the initial 5 report I have adopted, and it reflects my 6 professional opinion exactly.</p> <p>7 Q. But you didn't add a single footnote 8 to the text that was sent to you that makes up 9 your initial report, correct?</p> <p>10 A. I can't say that. I don't recall. I 11 would say if I did, it wasn't very many.</p> <p>12 Q. You said you reviewed all of the 13 sources that are cited in this report?</p> <p>14 A. To my knowledge, except for that one. 15 But, again, it's been awhile, since March. But I 16 did produce all the ones that I could find. The 17 one stands out in my mind, the YouTube video, 18 but -- so I'll just say yes.</p> <p>19 Q. And did you review them all before you 20 signed it?</p> <p>21 A. Yes.</p>

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1	A. Okay. Citation Number 8?	1 see it. Okay. Yes.
2	Q. Number 8.	2 Q. This is the e-mail we discussed before
3	A. Okay.	3 from Nitsana Darshan-Leitner to you attaching the
4	Q. Whereas the report states, "Documents	4 two Word documents, correct?
5	seized from PA offices by the Israeli military	5 A. Yes.
6	during Operation Defensive Shield (2002) further	6 Q. Dated March 21st, 2013, right?
7	demonstrated that Fatah, the dominant faction of	7 A. Correct.
8	the Palestinian Authority, bankrolled nearly	8 Q. And you signed the report on March
9	every aspect of the AAMB's terrorist	9 22nd, correct?
10	operations-from explosives to guns and gas money.	10 A. That is correct.
11	Footnote 8."	11 Q. The next sentence on Page 15?
12	What is the source -- what portion of	12 A. The next sentence on Page 15, okay.
13	the document that you have as 203 supports that	13 Q. That ends with Footnote 9 is a
14	contention in your report?	14 quotation from the report that is Exhibit 203,
15	A. It's cumulative. As you see, there's	15 correct?
16	no page number cited. If you look at the	16 A. Yes.
17	document and read it, that's the conclusion that	17 Q. What is the unequivocal proof cited in
18	I came to.	18 that sentence?
19	Q. When you say that's the conclusion you	19 A. "The captured documents proved
20	came to, you didn't write that sentence, right?	20 unequivocally that the Fatah organization and the
21	A. Everything in this report I adopt as	21 Al-Aqsa Martyrs Brigade are one and the same and
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1	my own. It reflects my professional opinion. I	1 they cannot be separated."
2	didn't pen it, but I adopt it as 100 percent	2 Q. My question is what is the unequivocal
3	reflecting my professional opinion based on these	3 proof cited in that report?
4	documents and my knowledge of the organization,	4 A. I'm not sure I follow the question.
5	operation and behavior of terrorist	5 Q. The sentence that's in quotations
6	organizations.	6 states that, "The captured documents proved
7	Q. And you don't know who penned that	7 unequivocally that the Fatah organization and the
8	sentence?	8 Al-Aqsa Martyrs Brigade are one and the same and
9	A. No, I don't know who did the draft.	9 they cannot be separated," correct?
10	Q. It was provided to you by plaintiffs'	10 A. That's what the document states, yes.
11	counsel, correct?	11 Q. Based on your review of the document,
12	A. This draft was provided to me. I	12 what is the unequivocal proof?
13	carefully reviewed it, I made changes and I've	13 A. You're asking me to find the cite
14	adopted it exactly as my own.	14 where that came from in the quotation?
15	Q. And you signed off on it the next day?	15 Q. No, I'm asking you to tell me in your
16	A. Well, I don't know -- no, it wasn't	16 words what the unequivocal proof is that Fatah
17	the next day, no. I spent some time looking	17 and Al-Aqsa are one and the same.
18	through this document.	18 A. That's a quotation from the Israeli
19	Q. Let's go back to Exhibit 239. Do you	19 report.
20	still have that in front of you?	20 Q. So the quotation is lifted verbatim
21	A. 239. I don't see it -- oh, yes, I do	21 from the Israeli report and dropped into the

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<p>1 Department report, later on in the description of 2 the Al-Aqsa Martyrs Brigade, the report states, 3 under the heading External Aid, "In the last 4 year, numerous public accusations suggest Iran 5 and Hizballah are providing support to al-Aqsa 6 elements, but the extent of external influence on 7 al-Aqsa as a whole is not clear." Do you see 8 that?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Do you know what the numerous public 11 accusations are?</p> <p>12 A. Do I know where they got this 13 information to write this sentence? No.</p> <p>14 Q. Did you do any independent research to 15 verify the validity of any of the sources that 16 were cited in the initial report?</p> <p>17 A. Well, I have a basis of knowledge. 18 For example, Iran, a lot of basis of knowledge 19 about Iran's support to Hizballah, Hamas, other 20 terrorist organizations, so I have a -- you know, 21 just based on my general scholarship on the</p>	<p>1 pull TIME Magazine, you can look at the 2 resolutions. I don't really have to double-check 3 whether the resolution is the correct resolution. 4 So, no.</p> <p>5 Q. Do you know whether the Al-Aqsa 6 Martyrs Brigade was mentioned in the State 7 Department's 2001 report?</p> <p>8 A. I can't recall.</p> <p>9 Q. This is an annual report that the 10 State Department puts out, correct?</p> <p>11 A. The State Department puts out an 12 annual report.</p> <p>13 Q. And have you researched the State 14 Department's subsequent statements about Al-Aqsa 15 Martyrs Brigade?</p> <p>16 A. Well, I have, and I can't recall right 17 now precisely which year I looked at and what the 18 language said because I've looked at CSR reports, 19 I've looked at resolutions, bills.</p> <p>20 MR. WISE: Can you mark that for me, 21 please.</p>
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<p>1 issue, I've got a wide basis. It's not like the 2 issue of terrorism law is something that is 3 foreign to me.</p> <p>4 Q. Did you do any independent research to 5 verify the validity of any of the sources cited 6 in the initial report you signed?</p> <p>7 A. You mean additional independent --</p> <p>8 Q. Yeah.</p> <p>9 A. Well, yeah.</p> <p>10 Q. And what was that?</p> <p>11 A. Well, you'll see some of it reflected 12 in my rebuttal to the Robinson report. I'd have 13 to get the other report out and go through it 14 with you, I guess.</p> <p>15 Q. Let's talk about just the initial 16 report. Between when you received the drafts and 17 when you signed it, did you do any independent 18 research regarding the validity of the sources 19 cited in that report?</p> <p>20 A. Well, I found that the sources were 21 all mainstream sources, so, you know, you can</p>	<p>1 (Defendants' Deposition Exhibit Number 2 249 was marked for identification.)</p> <p>3 BY MR. WISE:</p> <p>4 Q. Professor, that's 249. I'll ask you 5 if you recognize that as the 2006 version of the 6 State Department report?</p> <p>7 A. It says 2007 at the top.</p> <p>8 Q. The date that it is produced, do you 9 know what that means in relation to what year the 10 report is covering?</p> <p>11 A. My only comment is I don't see where 12 it says 2006 on here.</p> <p>13 Q. Do you know, based on how the State 14 Department produces its reports, how the date of 15 publication relates to the time period the State 16 Department is covering?</p> <p>17 A. No.</p> <p>18 Q. Will you turn to Chapter 6.</p> <p>19 A. Do you know what page that would be 20 on?</p> <p>21 Q. Well, I'm trying to figure out how the</p>